

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Ken Mehl v Ronald Kudek; Ken Mehl v Fifth Third Bank**  
Docket No. **278976; 278977**  
L.C. No. **04-420100-CZ; 05-524983-CZ**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion for immediate consideration and motion to strike are GRANTED and appellant's brief on appeal is STRICKEN. Appellant's brief is stricken because large portions of its statement of facts lack citations to record as required under MCR 7.212(C)(6) and because the references to the testimony and proceedings in arbitration are an impermissible expansion of the record on appeal. The record on appeal is confined to the record made in the trial court. See MCR 7.210(A)(1) and *Coburn v Coburn*, 230 Mich App 118, 122-123; 583 NW2d 490 (1998), rev'd on other grounds, 459 Mich 874, 875 (1998). Appellant's brief shall be considered timely if a replacement brief is filed within 21 days after the Clerk's certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**JAN 11 2008**

Date

*Sandra Schultz Mengel*  
Chief Clerk